IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 6571 of 2004

Between:
K.Venkataramanappa, S/o.Muni Venkatappa, R/o.Sanipalli Village, Dasarlapalli Post, Baireddipalli Mandal, Chittoor Dist.

..... PETITIONER

AND

1 The M.R.O., Baireddipalli Mandal, Chittoor Dist.
2 The Executive Engineer, Irrigation Division, Palamaneru, Chittoor Dist.
3 The Deputy Executive Engineer, I & CAD Irrigation Sub Division, Palamaneru, Chittoor Dist.
4 G.Eswaraiah, S/o.G.Guravaiah, R/o.Ramasamudram Village, Baireddipalli Mandal, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the official respondents in permitting the 4th respondent to proceed with the construction of check dam across kaigul river, near kothur of Ramasamudram village of Baireddipalli Mandal, Chittoor District is illegal, arbitrary, unconstitutional and against the provisions of A.P.Farmers Management in Irrigation system Act, 1997 and consequently direct the respondents not to proceed with the construction of Check Dam across Kaigul river, near kothur of Ramasamudram village of Baireddipalli Mandal, Chittoor District, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.J.UGRANARASIMHA

Counsel for the Respondents 1 to 3: MR.K.G.KRISHNA MURTHY FOR GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent No.4: None appeared.

The Court made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the official respondents in permitting fourth respondent to proceed with the construction of check dam across Kaigul river near Kothur of Ramasamudram village of Baireddipalli Mandal, Chittoor District.

2. According to the petitioner, the allotment of the said work to fourth respondent is illegal and without jurisdiction as according to the petitioner he is entitled and eligible person and it was recommended in his favour.

3. This Court, at the admission stage, issued notice and even directed the respondent-authorities to present before this Court, as there was no proper response when the learned Government Pleader was directed to get instructions. But, subsequently a counter affidavit has been filed on behalf of fourth respondent as well as the official respondents, bringing to the notice of this Court, the fact that the construction of check dam was already completed and therefore there is no merit in the present writ petition.

4. In view of the above, though there are serious allegations made against the respondents, this Court declines to go into the merits and the writ petition is

closed as having become infructuous. No costs.

22nd June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1 The Mandal Revenue Officer, Baireddipalli Mandal, Chittoor Dist.
2 The Executive Engineer, Irrigation Division, Palamaneru, Chittoor Dist.
3 The Deputy Executive Engineer, I & CAD Irrigation Sub Division, Palamaneru, Chittoor Dist.
4 Two CCs to the Govt. Pleader for Irrigation and Command Area Development, High Court Buildings, Hyderabad (OUT)
5 Two CD copies.